IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

WRIT PETITION NOS.12375 & 12413 OF 2007

Dated : JUNE 21, 2007

Between:

Smt. Sarojana

Petitioner in both writ petitions

AND

The Inspector of Police,
City Crime Station, Balanagar,
Cyberabad and another

Respondents in both the writ petitions

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

WRIT PETITION NOS.12375 & 12413 OF 2007

ORAL ORDER: **(per THE HON'BLE MR. JUSTICE D.APPA RAO)**

Heard Mr. E.V. Bhagirath Rao, the learned counsel for the petitoner and the learned Government Pleader for Home on behalf of the respondents.

2. Writ Petition No. 12375 of 2007 is taken up on the basis of a 'Telegram', dated 12.06.2007, sent by the petitioner while Writ Petition No. 12413 of 2007 is filed by the petitioner, seeking a writ of Habeas Corpus seeking the respondents to produce her sons namely (1) P.Narasimha aged 30 years, (2) P.Srinivas aged 28 years and (3)P.Rakesh, aged 26 years, all sons of Mr. P. Balaiah and residents of Dr. No. 12-11.912, Warasiguda, Secunderabad, who were alleged to have been taken away by the respondent police and illegally detained them since 9/10-06-2007

3. In response to the notices issued by this Court, the respondent No.1 - Inspector of Police, City Crime Station, Balanagar, Cyberabad, field counter-affidavit stating, *inter alia*, that the alleged detenue No.1 is an accused in Cr. No. 277 of 2003 registered at the Kukatpally Police Station for the offence under Sec. 392 IPC and in execution of NBW issued by the IX Metropolitan Magistrate, Kukatpaly, in CC No. 546 of 2006, he was arrested on 15.6.2007 and presently he is lodged in Central Prison, Cherlapally on being remanded to judicial custody by the learned IX

Metropolitan Magistrate.

4. Insofar as the alleged detenue No.2 is concerned, it is stated that he is an accused in Cr. No. 407 of 2003 registered at Kushaiguda Police Station for the offence under Sec. 302 IPC. It is also stated that he was called to the Kushaiguda Police Station, in connection with Cr.No. 292 of 2007 and 726 of 2006 both registered for the offence under Sec. 392 IPC to ascertain his complicity in the above crimes and after examining him, he was handed over to his wife. Thus, he was neither arrested nor was detained by the police.

5. Insofar as the alleged detenue No.3 is concerned, it is stated that he is an accused in Cr. No. 407 of 2003 for the offence under Sec. 302 IPC registered at Kushaiguda Police Station and in execution of NBW issued against him in SC No. 241 of 2005 by the learned II Addl. Sessions Judge, Cyberabad, at L.B. Nagar, he was arrested on 15.6.2007 and presently he is lodged in Central Prison, Cherlapally, on being remanded to judicial custody.

6. The learned counsel for the petitioner contended that after receipt of the telegram, the alleged detenues were produced before the concerned court but, in fact, they were taken into illegal custody on the intervening night of 9/10-06-2007 at 3.00 a.m. by the respondents.

7. The contention that the alleged detenues were

taken into custody illegally, is not substantiated, in the sense no evidence is produced to show that they were allegedly whisked away by the respondents on that particular day and time. At any rate, if the alleged detenues are aggrieved by the so-called alleged detention by the respondent – police, they can as well take the recourse as enjoined under the law.

8. In the light of these revelations made in the counter affidavit, we do not see any reason whatsoever to proceed any further in the writ petitions. Evidently, while the alleged detenues 1 and 3 were remanded to judicial custody in different cases, in execution of the NBW issued against them, the alleged detenue No.2 was never arrested and he is moving freely.

9. Consequently, both the writ petitions are liable to be dismissed and are accordingly dismissed. No order as to costs.

_____

D.S.R.Varma, J.

_____

D.Appa Rao, J.

June 21, 2007

MAS